

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

**MEMORANDUM AND ORDER**

ARNALDO CABRERA,

05 Cr. 1278-2 (NRB)

Defendant.

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**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

Defendant Arnaldo Cabrera has submitted a letter entitled "Addendum to Habeas Corpus Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) and the First Step Act of 2010," dated June 1, 2020, which the Court received on June 10, 2020. See ECF No. 116. Although defendant has not styled his letter as a motion, our review indicates that defendant is in essence requesting compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). We treat the defendant's letter of June 1, 2020 accordingly.

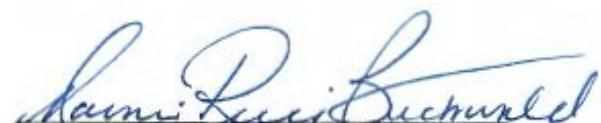
Title 18, Section 3582(c)(1)(A)(i) of the United States Code permits a court to "reduce a term of imprisonment" if, after considering the factors set forth in 18 U.S.C. § 3553(a), "it finds that . . . extraordinary and compelling reasons warrant such a reduction . . . and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." 18 U.S.C. § 3582(c)(1)(A). However, a court may reduce a defendant's sentence under Section 3582(c)(1)(A)(i) only "upon motion of the Director of the Bureau of Prisons" or "upon motion

of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier." 18 U.S.C. § 3582(c) (1) (A) .

The Director of the Bureau of Prisons has not made a motion on behalf of Cabrera. Nor does the defendant's letter reflect any effort to exhaust his administrative remedies. Therefore, the Court denies the defendant's motion without prejudice to refile 30 days after he files a request for compassionate release with the warden of his facility if that request is not administratively granted in the interim.

**SO ORDERED.**

Dated: New York, New York  
June 18, 2020

  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE